

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

ADRIANE B. JACKSON,

Petitioner,

v.

HERBERT L. BERNSEN,

Respondent.

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No. 4:15-CV-01874-ERW

**MEMORANDUM AND ORDER**

This matter is before the Court on petitioner's application for writ of habeas corpus pursuant to 28 U.S.C. § 2241 [Doc. 1] and motion for leave to proceed in forma pauperis [Doc. 3]. Having reviewed petitioner's financial information, the motion to proceed in forma pauperis will be granted.

At the outset, the Court notes that petitioner did not draft her petition on a Court-provided form, and it is unclear if she exhausted her available state remedies prior to bringing this action.<sup>1</sup> Moreover, although petitioner labeled her suit as one brought under § 2241, it appears that she is in custody pursuant to a state court judgment, and therefore, the only vehicle for challenging her present confinement, after exhausting her state remedies, is 28 U.S.C. § 2254. *See Crouch v. Norris*, 251 F.3d 720, 722-23 (8th Cir. 2001) (state prisoners "can only obtain habeas relief through § 2254, no matter how [their] pleadings are styled"). As such, the Court will order the Clerk to mail

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<sup>1</sup> In the absence of exceptional circumstances, a state prisoner must exhaust currently available and adequate state remedies before invoking federal habeas corpus jurisdiction. *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484 (1973). State remedies are ordinarily not considered exhausted if an individual may effectively present his or her claim to the state courts by any currently available and adequate procedure.

petitioner a copy of the § 2254 standard form and will order petitioner to file an amended petition if she wishes to pursue this action.

Accordingly,

**IT IS HEREBY ORDERED** that petitioner's motion for leave to proceed in forma pauperis [Doc. 3] is **GRANTED**.

**IT IS FURTHER ORDERED** that the Clerk shall provide petitioner with a form for filing a "Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a person in State Custody."

**IT IS FURTHER ORDERED** that petitioner shall complete, sign, and return the said petition within thirty (30) days from the date of this Order, if she wishes to pursue this action at this time.

**IT IS FURTHER ORDERED** that petitioner's failure to comply with this Order will result in the dismissal of this action, without prejudice and without further notice.

Dated this 8th day of February, 2016.



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**E. RICHARD WEBBER**  
**UNITED STATES DISTRICT JUDGE**